

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

JOHN W. "JAY" DEHAVEN,

Respondent

HUDALJ 94-0031-DB(S)

ORDER DISMISSING PROCEEDING

On May 3, 1994 I issued an Order To Show Cause requiring Respondent to either file a reply to the Government's brief, or show cause why he should not be found in default, on or before May 17, 1994. This Order required Respondent to timely and adequately respond, or be found in default. He responded by letter dated May 10, 1994 that he had not received the Government's brief. This response is inadequate.

On May 13, 1994 the Government filed a Motion To Dismiss, including a signed Domestic Return Receipt which shows that the Government's brief was received by Respondent's attorney on March 21, 1994.

Respondent was under Order dated February 14, 1994 to reply to a Government brief that was due on March 17, 1994. That same Order gave Respondent until April 18, 1994 to make such a reply. Thus, Respondent had plenty of time and reason to make inquiries regarding the Government's brief that he would have thought to be overdue. The Order To Show Cause gave Respondent another 15 days within which to reply, but he chose instead to deny receipt of the Government's brief. During this time, Respondent could have requested a copy of the brief, and should have filed his reply.

Respondent has had more than enough opportunity, including actual service of the Government's brief, to comply with these Orders. Accordingly, the Government's Motion is **GRANTED**, and this proceeding is dismissed with prejudice.

So **ORDERED**.

ROBERT A. ANDRETTA
Administrative Law Judge

Dated: May 24, 1994.

CERTIFICATION OF SERVICE

I hereby certify that copies of this ORDER issued by ROBERT A. ANDRETTA, Administrative Law Judge, HUDALJ 94-0031-DB(S), were sent to the following parties on this 24th day of May, 1994, in the manner indicated:

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